

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2013 MAY 31 P 3

WESTERN DISTRICT OF
TEXAS
REPUTY

UNITED STATES OF AMERICA,

Petitioner,

v.

JOHN C. CRAVEN, JR.,

Respondent.

§
§
§
§
§
§
§
§

CIVIL ACTION NO.

SA13MC0464 H

PETITION TO ENFORCE INTERNAL REVENUE SERVICE SUMMONS

Petitioner, United States of America, on behalf of its agency the Internal Revenue Service (“IRS”), by and through its undersigned counsel, hereby respectfully represents as follows:

1. This Court has jurisdiction over the subject matter of this action and is empowered to issue appropriate process upon application by the United States pursuant to the provisions of 26 U.S.C. §§ 7402 and 7604, and 28 U.S.C. § 1345.

2. On January 2, 2013, under the authority of 26 U.S.C. § 7602, an Internal Revenue Service summons (“Summons”) was issued to John C. Craven, Jr. (“Respondent”). An original and/or a true and correct copy of the Summons with Certificate of Service of Summons is attached hereto marked as **Exhibit A** and is incorporated herein by reference. The Summons was served upon Respondent as indicated in the Certificate of Service of Summons, as required by 26 U.S.C. §7603. Appropriate Affidavit and/or Declaration of the IRS Revenue Officer assigned to handle this matter is also attached hereto marked as **Exhibit B** and is incorporated herein by reference.

3. The Summons required Respondent to appear and give testimony relating to the

tax liability and/or the collection of the tax liability for the periods designated and to bring and produce for examination by the IRS the items set out in the Summons to the IRS office shown on the Summons as the place for appearance.

4. The Respondent failed to appear at the time and place designated by the Summons and failed to produce the required items set out in the Summons.

5. The information sought by the IRS and not produced by Respondent in accordance with the Summons is either not in the possession of the IRS, or if in the possession of the IRS, is in a non-retrievable file system and/or is not readily accessible without undue administrative burden and expense.

WHEREFORE, Petitioner United States of America, respectfully requests that this Court enter an Order requiring the Respondent, John C. Craven, Jr., to appear before the IRS Revenue Officer assigned to handle this matter at a date and hour to be determined by the Court to give testimony and produce for examination the aforementioned items set out in **Exhibit A**, and/or appear before this Court at a date and hour to be designated by the Court to show cause, if any Respondent can, why Respondent should not be directed by the Court to appear and produce the items set out in **Exhibit A** and to testify.

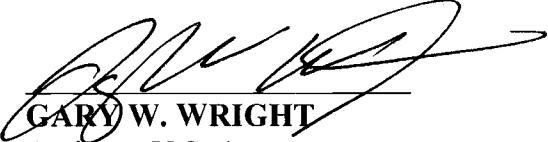
[remainder of page intentionally left blank]

Date: May 31, 2013

Respectfully submitted,

ROBERT PITMAN
United States Attorney

By:


GARY W. WRIGHT
Assistant U.S. Attorney
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5512
Texas Bar No. 24047145
Telephone (210) 384-7340
Fax (210) 384-7358
gary.wright@usdoj.gov
ATTORNEY FOR PETITIONER